

FOR THE NORTHERN DISTRICT OF TEXAS

DALLAS) DIVISION

Joseph Wayne Hunter #1981619)
 Prior Dallas County #13034945)
 Plaintiff,)
 Vs.)
 Felicia P. tne, District Clerk of)
 Courts, et al.)
 Defendants.

ND.3:17-CV-1893-N-BH

Plaintiff's Amended Pleadings, Petition and Request
for Discharge

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JOSEPH WAYNE HUNTER, Plaintiff, and files Plaintiff's Amended Petition, complaining against, Phoebe Bowman As Heir to Billy D. White, Attorney for Def (White) Scott B. Prewest, et al The Prewest Firm, PLLC, Ben Abbott & Associates, PLLC, TRABIAN K. Greer.

I. Selection of Discovery Level

1. This suit is governed by discovery control plan under Rule 26 and 34 of the Federal Rules of Civil Procedure.

II. Parties

2. Defendant, Trabian K. Greer, is an individual who resides at 421 Meadowhill Dr. Garland, Dallas County, TX 75043-3025

3. Defendant, Phoebe Bowman, As Heir of Billy D. White (Decedent), is an individual who resides at 1040 County Bend Dr, Kaufman, Kaufman County, TX 75142

4. Defendant, Scott B. Prewest, The Prewest Firm, PLLC is an individual and business who resides at 6000 N. Central Exp., Suite 500 Dallas, Texas 75206

5. Defendant, Ben Abbott & Associates, PLLC and Attorney for Defendant Brittany O'Brien, who are individuals and a firm who reside at 1934 Pennington Drive Garland, Texas 75041

III. Jurisdiction & Venue

6. The Court has continuing jurisdiction over Defendants, because Defendants are Texas Residents. The Court has jurisdiction over the subject matter, because damages are within the statutory jurisdictional limits of the Court.

7. Venue is proper in Dallas County, Texas, because all substantial part of the events giving rise to this cause of action occurred in that county.

IV. Facts

8. This lawsuit results from an automobile collision that occurred on or about May 11, 2013, at Jim Miller Rd and Umphress Rd in Dallas Dallas County, Texas. The Parties involved were Trabian K. Greer who was the Plaintiff in cause No. DL-15-00026, Defendants, A Joseph Hunter (who their address is one under my TDCJ 1981619, Deceased Billy D. White, Kevin Gray, Roger L. Greer. On December 14th, 2015, Phoebe Bowman as Heir of Billy D. White filed a crossclaim against, 3 the Defendant in the cause of Action No. DL-15-00026 - in the 298th District Court at 600 Commerce Street, Ste. 101, Dallas Texas 75202 with the Clerk of the Court Felicia Pitre, who filed two fraudulent citations of negligent entrust, by the Attorneys of The Scott B. Prewest, and The Prewest Firm, PLLC, and Ben Abbott & Associates, PLLC represented by Brittany J. O'Brien. As a result Plaintiff, Joseph Wayne Hunter suffered emotional distress as well as defamation of character.

V. Fraud

9. Cause of Action No. DL-15-00026
Court 298th Judicial District, Dallas
County, Texas

Defendants guilty: Trabian K. Greer, Ben Abbott & Associates, PLLC, Phoebe Bowman, AS HEIR OF BILLY D WHITE, SCOTT B. PREWEST, THE PREWEST FIRM, PLLC are all guilty of Fraudulent filing of a illegal document, or documents containing untrue information about the Plaintiff Joseph Wayne Hunter, accuses the Plaintiff of negligent entrustment and being the Party the cause of the collision and the deceased death. On 5-22-17 trial by Jury was set. The accusations were not proven and know evidence (Physical) was presented linking no heir to the vehicle, negligent entrustment or the defendant Kevin Gray. On May 24, 2017 Brittany O'Brien/Attorney of Law for Ben Abbott & Associates, PLLC representing Trabian K. Greer filed a Notice of Partial Nonsuit against Mr. Bowman and Plaintiff Joseph Hunter 1981619.

(Note)

VI. Negligence / Malpractice

10. Ben Abbott & Assoc, PLLC, Prewest Firm are guilty also of negligence malice practice for failing to do a thorough investigation before accusing the Plaintiff of the charges in No. DL-15-00026.

VII. Damages

11. As a proximate result of the Defendant's negligence, fraudulent actions, Plaintiff suffered the following:

- a. Emotional Distress
- b. Mental Anguish
- c. Defamation of Character.

The Doctrine as well as this case is founded on Principles of Fraud. The five essential elements of this type of Estoppel are that 1. False representation or concealment of material facts, (2) the representation was known to be false, by the Party making it, (3) the Party was negligent in not knowing its falsity, (4) it was believed to be true by the Person to whom it was made, (5) the Party making the representation intended that it be acted on, or the Person acting on it was justified in assuming this intent, and (5) the Party asserting estoppel acted on the representation in a way that would result in substantial prejudice unless the claim of estoppel succeeds.

Under Texas law Plaintiff was required to show clear and convincing evidence. The elements of Punitive damages, Dunbar Medical System Inc. v. Bamman Inc. 216 F.3d Exhibit A Filed by Brittany O'Brien State Bar No. 24088139 Ben Abbott & Associates, PLLC. It is a copy of the Partial Non-suit.

X. PRAYER

Wherefore, Premises considered Plaintiff, Joseph Wayne Hunter respectfully requests Defendants, Phoebe Bowman, Scott B. PREWITT, The PoweTT Firm, PLLC, Brittany O'Brien and Ben Abbott & Associates, PLLC, TRABIAN & Green be cited to appear and answer and on final trial, that Plaintiff have Judgment against Defendants for:

- a. Actual Damages
- b. Costs of Suit
- c. Monetary Relief of over \$200,000 but not more than \$1,000,000; and
- d. Any further relief, either in law or equity, to which Plaintiff is justly entitled,

XI. REQUEST FOR DISCLOSURE

Pursuant Rule 26 and 34 of Federal Rules of Civil Procedure Please disclose all information.

EXHIBIT
A
Non Suit

CAUSE NO. DC-15-00026	
TRABIAN K. GREER,	IN THE DISTRICT COURT
Plaintiff	
v.	298 th JUDICIAL DISTRICT
PHOEBE BOWMAN, AS HEIR OF BILLY D. WHITE (DECEASED), KEVIN D. GRAY, JOSEPH HUNTER, AND ROGER L. GREER,	DALLAS COUNTY, TEXAS
Defendants	

**PLAINTIFF TRABIAN K. GREER'S NOTICE OF PARTIAL NONSUIT AGAINST
DEFENDANTS PHOEBE BOWMAN, AS HEIR OF BILLY D. WHITE (DECEASED)
AND JOSEPH HUNTER, ONLY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW PLAINTIFF in the above styled and numbered cause of action, by and through the undersigned attorney gives notice to the Court Plaintiff non-suits all his claims against Defendants PHOEBE BOWMAN, AS HEIR OF BILLY D. WHITE (DECEASED) and JOSEPH HUNTER, only, from the above -styled and -numbered cause of action.

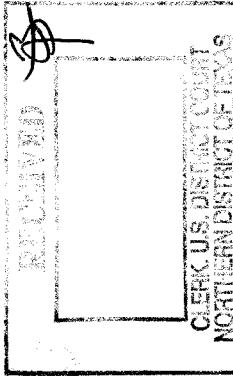
Respectfully submitted,

Brittany O'Brien

Brittany O'Brien
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ATTORNEY FOR PLAINTIFF

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United States District Court
Office of the Clerk
1100 Commerce St. Rm 1452
Dallas, Texas 75242

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